

1 THE LAW OFFICE OF MACE J. YAMPOLSKY  
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4 ***Attorney for Defendant***

5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA ) Case No. 2:21-cr-00181-GMN-DJA  
8 )  
9 Plaintiff, ) **STIPULATION TO CONTINUE**  
10 ) **CHANGE OF PLEA (First Request)**  
11 vs. )  
12 OMONIYI JOHNATHAN OMOTERE, )  
13 Defendant. )  
14

15 IT IS HEREBY STIPULATED AND AGREED by and between Jason M. Frierson, United States  
16 Attorney, by and through Kimberly Frayn, Assistant United States Attorney, and Mace Yampolsky, Esq.,  
17 counsel for Defendant Omoniyi Johnathan Omotere, that the change of plea hearing in above-captioned  
18 matter be continued and rescheduled for a period of 30 days.  
19

20 This Stipulation is entered into for the following reasons:

- 21 1. Counsel for the Defendant was appointed to represent the Defendant on September 14, 2022.  
22 2. Counsel for the United States will be out of the jurisdiction from December 21, 2023 to  
23 December 28, 2023 and January 7, 2024 to January 13, 2024.  
24 3. Counsel for defendant will be out of the country from December 22, 2023 to January 2,  
25 2024.  
26 4. Counsel for defendant will be out of the jurisdiction from January 17, 2024 to January 21,  
27  
28

1 2024.

2 5. Counsel for defendant will be out of the country from May 7, 2024 to May 21, 2024.

3 6. The Defendant is out of custody, and does not object to the continuance.

4 7. Denial of this request could result in a miscarriage of justice, taking into account the exercise  
5 of due diligence by all parties hereto.

6 8. This is the first stipulation to continue filed herein.

7  
8 DATED this 8<sup>th</sup> day of December, 2023.

9  
10 THE LAW OFFICE OF MACE J. YAMPOLSKY

11 /s/ Mace J. Yampolsky, Esq  
12 MACE J. YAMPOLSKY, ESQ  
Attorney for Defendant

13 OFFICE OF THE UNITED STATES ATTORNEY

14 /s/ Kimberly Frayn  
15 KIMBERLY FRAYN  
16 Assistant United States Attorney

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8 *Attorney for Defendant OMOTERE*

9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF NEVADA**

11 \*\*\*

12 UNITED STATES OF AMERICA	)	Case No. 2:21-cr-00181-GMN-DJA
	)	
13 Plaintiff,	)	FINDINGS OF FACT, CONCLUSIONS OF
	)	LAW AND ORDER
14 vs.	)	
	)	
15 OMONIYI JOHNATHAN OMOTERE,	)	
	)	
16 Defendant.	)	
_____	)	

17 **FINDINGS OF FACT**

18 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court  
19 finds that:

- 20 1. A date not earlier than 30 days from the presently scheduled hearing is  
21 appropriate.
- 22 2. Counsel for the United States will be out of the jurisdiction from December 21, 2023  
23 to December 28, 2023 and January 7, 2024 to January 13, 2024.
- 24 3. Counsel for defendant will be out of the country from December 22, 2023 to January  
25 2, 2024.
- 26 4. Counsel for defendant will be out of the jurisdiction from December 22, 2023 to  
27 January 2, 2024.
5. Counsel for defendant will be out of the jurisdiction from January 17, 2024 to January  
21, 2024.

1 6. Counsel for defendant will be out of the country from May 7, 2024 to May 21, 2024.

2 7. The Defendant is out of custody, and does not object to the continuance.

3 8. Denial of this request could result in a miscarriage of justice, taking into account the  
4 exercise of due diligence by all parties hereto.

5 9. This is the first stipulation to continue filed herein.

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8 **CONCLUSIONS OF LAW**

9 The defendant and the government have both signed a plea agreement. The original change  
10 of plea date interferes with the counsel for defendant's schedule.

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**ORDER**

IT IS THEREFORE ORDERED that the change of plea hearing in the above-captioned matter, currently scheduled for January 17, 2024 be vacated and continued for a period of at least 30 days.

DATED: December 11, 2023

  
DISTRICT COURT JUDGE

Change of Plea in this matter is now set for: December 13, 2023 at 10:00 a.m.